DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, there is a lack of antecedent basis for "the flat shape of a work".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5, 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Akimoto.

Akimoto discloses discharging liquid droplets from heads (23a-c) into a receiver (22) for receiving functional liquid, wherein the receiver is formed in a ring-shape (see fig. 3) corresponding to the flat shape of a work (w), wherein the receiver for receiving functional liquid receiver is detached from the work (see fig 2); and relatively moving the heads and the work (heads move laterally, work spins) to discharge the liquid droplets onto a surface of a work from the heads (see fig 3), the discharge of the liquid droplets being carried out while the work is moved relative to the heads.

Since all discharging is produced onto the work with excess onto the receiver, there is met the limitation of "preliminary" and the further limitation of claim 3.

Since the receiver is structurally encompassing as seen in fir 2, the limitation of claim 14 is met. The inherency of 15 is also present because the structural differences shown of the mechanism/receiver as compared to the work.

The term “functional” is taken to have the broadest possible meaning, “to result in a method being accomplished”, which is shown in the prior art.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akimoto in view of Suzuki (JP-2001-180007).

Akimoto does not disclose preliminary discharge of the liquid droplets being carried out while the heads and/or work are moved, further being carried out during acceleration of the heads and/or work up to a predetermined speed.

Suzuki appears to disclose a film forming method comprising preliminarily discharging liquid droplets from head, relatively moving the heads and a work to discharge the liquid droplets onto a surface of a wok from the heads, and the preliminary discharge of the liquid droplets being carried out while the heads and/or work are moved further being carried out during acceleration of the heads and/or work up to a predetermined speed (see abstract).

It would have been obvious to one with ordinary skill in the art to include preliminary discharge of the liquid droplets being carried out while the heads and/or work are moved, further being carried out during acceleration of the heads and/or work up to a predetermined speed for the purposes of even distribution.

6. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Akimoto in view of Kawase et al.

Akimoto does not disclose the work moving relative to the heads or the method of manufacturing a device that includes filter elements or pixel elements as including EL layers.

Kawase discloses a method of manufacturing a device, in which a film body being formed by discharging droplets onto the surface of a work from heads. The work can be moved relative the heads. Filter elements on a substrate is the work, further being EL light-emitting layers arranged, and a film body being a counter electrode film formed at a pre-determined place on the EL light-emitting layers (see fig. 8; col 2, lines 38-67).

It would have been obvious to one with ordinary skill in the art to include the method of manufacturing a device that includes filter elements or pixel elements as including EL layers because Kawase teaches color filter manufacture.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akimoto in view of Fujii et al.

Suzuki does not disclose further comprising a vibrating step of, after liquid droplet discharge step, vibrating liquid within the heads to a extent that the liquid is not discharged from the heads.

Fujii te al discloses a vibrating step of, after liquid droplet discharge step, vibrating liquid within the heads to a extent that the liquid is not discharged from the heads (see abstract).

It would have been obvious to one with ordinary skill in the art to include a vibrating step of, after liquid droplet discharge step, vibrating liquid within the heads to a extent that the liquid is not discharged from the heads because Fujii et al teaches prevention of clogging as desired (see abstract) and that Akimoto is also concerned with clogging.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akimoto in view of Sekiguchi.

Akimoto does not disclose the work being a lens, and the film body being a transmissive coating for coating the lens.

Sekiguchi discloses the work being a lens, and the film body being a transmissive coating for coating the lens (col 20, lines 6-13).

It would have been obvious to one with ordinary skill in the art to include such because Sekiguchi teaches advantages of using a lens (col 20, lines 6-13).

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claims 1-4 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4-8 of copending Application No. 11/588,240 in view of Hiroshi et al.

The newly added claim recitation would have been obvious to one with ordinary skill in the art to claim because of the reasons as set forth in the rejection above for the use of Hiroshi et al.

This is a provisional obviousness-type double patenting rejection.

Response to Arguments

11. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alain L. Bashore/
Primary Examiner, Art Unit 1792